

HOLD ASSEMBLY HAD POWER TO IMPEACH SULZER

Only One Member of the Court of Impeachment Votes to Dismiss Proceedings on a Charge of Irregularity.

DECISION IS MADE IN SECRET SESSION

Sen. G. H. Wende Claims That When Body Adjourned it Foreclosed Any Right to Vote on Sulzer Charges.

ALBANY, N. Y., Sept. 23.—Gov. William Sulzer must go to trial. This was decided by the high court of impeachment Monday night, when, by a vote of 51 to one its members overruled the motion of the governor's counsel to dismiss the proceedings on the ground that he was unconstitutionally impeached by the assembly because that body was in extra session when the impeachment was brought.

Sen. Gottfried H. Wende of Buffalo, democrat, an ardent supporter of the governor, cast the solitary nay, while seven members of the court were absent.

The governor's defeat was the second that has marked the battle waged by his attorneys to annihilate as far as possible, the impeachment proceedings. Last week the court thwarted their attempt to prevent four senators from sitting as members. Their remaining argument consists of arguments to prove that certain of the offenses charged against the governor are not impeachable. These arguments will be heard Tuesday.

In secret session. Monday night's vote was taken in secret session after an afternoon devoted to speeches by opposing attorneys. When the time came for the court to render its decision, Presiding Judge Cullen announced that he did not feel inclined to use the power granted him under the rules to be the first to express an opinion.

"My brethren," he said, "you will readily appreciate that the point which has been discussed goes to the very foundation of this proceeding. If decided in one way the proceeding must necessarily stop. You have the power to clear the court for private consultation under the rules." This was done by motion of Judge Collin, but the vote was later announced in a brief public session and the record of the proceedings was immediately made public. It showed that a tentative roll call on the motion was immediately taken and that the presiding judge delivered a long opinion on the points at issue when his name was called, 13th on the list. Judge Cullen's opinion in substance was that the provision of the constitution which limited the acts of legislature in extra session to such subjects as were recommended to it by the governor should be given a reasonable construction. It upheld the contention of the prosecution that the provision referred to the legislature as a whole and not to the assembly as an independent body.

"So construed," said Judge Cullen, "these subjects all relate to the legislature as a body and do not to the power vested in one branch of the legislature."

Sen. Wende Votes No. The tentative roll call brought from Sen. Wende the only negative vote. The call was followed by a viva voce vote and then with a final roll call with the same result. Wende explained his vote in a brief argument in which he held that when the assembly adjourned sine die some weeks before reconvening to bring the impeachment articles, "they foreclosed their right to act upon any question of impeachment when called together in an extraordinary session."

Judge Cullen's opinion in part was: "It is urged by the learned counsel for the managers that the assembly has the inherent right to meet at any time and proceed on any subject. From that doctrine I dissent in toto. It is true that it is the assembly that has the right given it by the constitution to impeach, but the assembly does not consist of the individual members of its body except when they are duly assembled. That is plain elementary parliamentary law. It is also the common law applying to all bodies."

"The constitution gives the assembly power to impeach. It was in regular session. I use regular session in the sense that it was regularly convened, in response to a call by the governor. Now, having the power of impeachment, it could exercise that at any time unless we find another provision in the constitution which restricts it or forbids it. That provision is claimed to be found in the fourth section of the fourth article in the constitution in which it said: 'At extraordinary sessions, no subject shall be acted upon except such as the governor may recommend for consideration.'"

GET WRITER'S CHAMP? ST. LOUIS, Sept. 23.—Edward B. Pryor, treasurer of a railroad, must sign his name in full 14,000 times to receivers' certificates.

JAILED TOO OFTEN. HUNTINGTON, W. Va., Sept. 23.—Alleging his spouse failed to perform her wifely duties because of spending too much time in jail, Grant Lowe sued for divorce.

COLDEST NIGHT WELCOMES FALL

Autumn Formally Began Here: This Morning—Frost in Low Places.

With the thermometer down to 35 degrees Monday night South Bend suffered the coldest night of the year. There was a slight frost but it was not heavy enough to do any great damage except in the low ground and the marshes.

Warmer weather was promised for Tuesday and a south wind blowing in the morning seemed to bear out that prophecy.

The day brought the formal beginning of autumn.

According to the official information fall began Tuesday morning at exactly 10:45 o'clock at Washington.

The coal man has been kept busy these last few days and that old "is it hot enough for you?" has given way to the new ones. They are: "Have you got your stove up yet?" and "Is your furnace drawing good this season?"

Over at the city hall Monday many in fact most of the employees were trying to do the bunny hug with a coal oil stove. The furnace was not in shape as something was wrong with the flues. So as a result the men there huddled as close to the little heaters as possible and tried to warm themselves as with the promise of the furnace man to have it going sure in the morning.

The highest spot reached during the day was 46, which was cool enough for most of us. The 37 mark was hit early during the day. There was more promise of cold weather for this morning although a few more warm days are expected before winter is with us again.

South Bend is by no means the coldest spot. From Duluth, Minn., comes the report of the earliest snowfall on record, on Monday through a parts of northern Minnesota and along the shores of Lake Superior. In 1907 snow fell in this region on Sept. 24. The weather bureau predicted killing frosts in that section during the night.

MAY GIVE TIME TO MAKE PACTS WITH COUNTRIES

Apprehension Lest Foreign Nations May Impose Tariff Penalties Against U. S. is Felt by Congress.

WASHINGTON, Sept. 23.—Apprehension lest the democratic tariff bill lead foreign nations to impose tariff penalties against the United States as soon as the new law goes into effect caused administration and senate leaders Monday to plan the introduction of a joint resolution in congress making specific provision for the continuation of existing relations with all countries until Pres. Wilson has time to negotiate new trade agreements.

The seriousness of the situation that will confront the administration was impressed upon Chairman Simmons of the senate finance committee Monday by state department officials. It was pointed out that the trade relations established by the Payne-Aldrich law of 1909, would terminate as soon as the new law becomes effective and that the United States then would face the possibility of having higher tariff rates applied against its exports by many countries. While the tariff law would give the president authority to negotiate trade and reciprocity treaties it would also require him to apply special penalty rates against any countries discriminating against the United States.

To prevent the possibility of trade wars the state department is now working a joint resolution which will provide that existing relations shall continue for four months.

Keep Present Rates. This will not keep in effect the tariff rates of the Payne-Aldrich law, but will assure to foreign countries that the tariff rates will not be applied to the United States until reasonable time has been allowed the president and state department to negotiate new trade treaties.

Practically all nations having any foreign commerce will be asked to enter into such pacts.

At the white house and later at the state department Monday Sen. Simmons pointed out to administration officials that it would be impossible to insert the provision desired as an amendment to the tariff bill because the introduction of any new matter is precluded while the bill is in conference. The provision will be put through congress as a separate act, supplementary to the tariff law.

Senate amendments to the tariff bill would authorize the president to assess extra duties on coffee, tea, fish, chinaware, silks, lace, jewelry, sugar and many other items coming from countries not treating the United States as a favored nation. While the joint resolution could not prevent other countries from imposing higher tariffs against the United States, it is expected that it will induce them to withhold such action, temporarily at least.

"PAINTED WOMAN" LEFT. NEW YORK, Sept. 23.—A lecture on "Painted Women" by the Rev. W. L. Southerton, drove one from the Baptist temple in Brooklyn. He told of the women who "come painted and powdered as no woman should be" to church.

He bowed to a woman in one of the front pews and said: "Pardon me, Madam." The woman left the church.

SAYS MARKET HERE HAS HELPED LOWER THE COST OF LIVING

Chicago Writer Uses South Bend Public Market as Showing How Living May Be Made Cheaper.

South Bend is the scene of the latest of a series of articles in the Chicago Record Herald on "The Cost of Living."

The public market, established in 1911 is given by Arthur M. Evans in an article Sunday as an effective aid to lowering the cost of living as well stimulating truck gardening in South Bend's territory.

The article follows:

Who gets the money? From two years of experience, South Bend, Ind., offers testimony as to how a public market operates to reduce the cost of living. Colfax avenue bridge, across the St. Joseph river, was thrown open as a public trading place in the summer of 1911. The success of the market has been such that other municipalities are continually asking South Bend officials for information as to operating methods and the venture has been quite widely exploited.

Between 2,000 and 3,000 persons visit Colfax avenue bridge on market days and occasionally the number runs as high as 5,000. The comparative size of this attendance can be judged better when it is remarked that the last census gave South Bend a population of 33,684. The total number of families was placed at 12,039. It indicates the extent of market going. But the patrons of the open salesplaces are not the only beneficiaries. The city authorities outline the benefits as follows:

The market has tended to reduce prices in the retail stores. It has stimulated truck raising and led many a family to take up market gardening.

It has saved waste by opening sales for goods that had hitherto been allowed to decay.

It has given retailers and peddlers a wider and fresher variety of produce, again benefiting the whole body of consumers.

It has brought from distances of twenty-five or thirty miles farmers who before never took produce into South Bend, thus increasing the number of producers as most of the producers' receipts at the open market have been left in South Bend in exchange for goods needed.

As to the effect of the market upon retail prices, the story of eggs is quite illuminating. One week the eggs were priced at some of the down town retail stores on three successive days the middle day being the one on which the open market was running. The results need no embroidery nor embellishment. The story can best be told by a short tabulation:

STORE PRICES ON EGGS.
Dozen.
Day before market day.....22 cents
Market day.....23 cents
Day after market day.....23 cents

But let Charles L. Goetz, mayor of South Bend, tell the story. Mayor Goetz, "was established in the summer of 1911. There had been some demand for a market and some discussion between the citizens and Chamber of Commerce. I accordingly appointed a committee of five citizens to investigate as to the desirability of a public market and the best plans by which it might be established and carried on."

"The committee acted promptly. After extensive investigation it advised that what is known as an 'open market' be established. After further inquiry, a committee of the council recommended that the Colfax avenue bridge be utilized for the purpose."

"An ordinance of the common council established the market upon this bridge and its approaches and designated Tuesday and Saturday of each week as the market days. The city sealer was made market master. The vehicles were to be backed to one side of the bridge, thus leaving the other side clear for traffic."

"As the cold of winter approached, it was found that the open bridge was not entirely satisfactory and public spirited citizens at once contributed about \$900 to a fund to be used in the renting of a building adjoining this bridge and the adjoining street, and the market was moved there."

"The producers bring their wares to this market from all the surrounding country. Farmers, whose homes were twenty-five to thirty miles distant, brought their produce to the market."

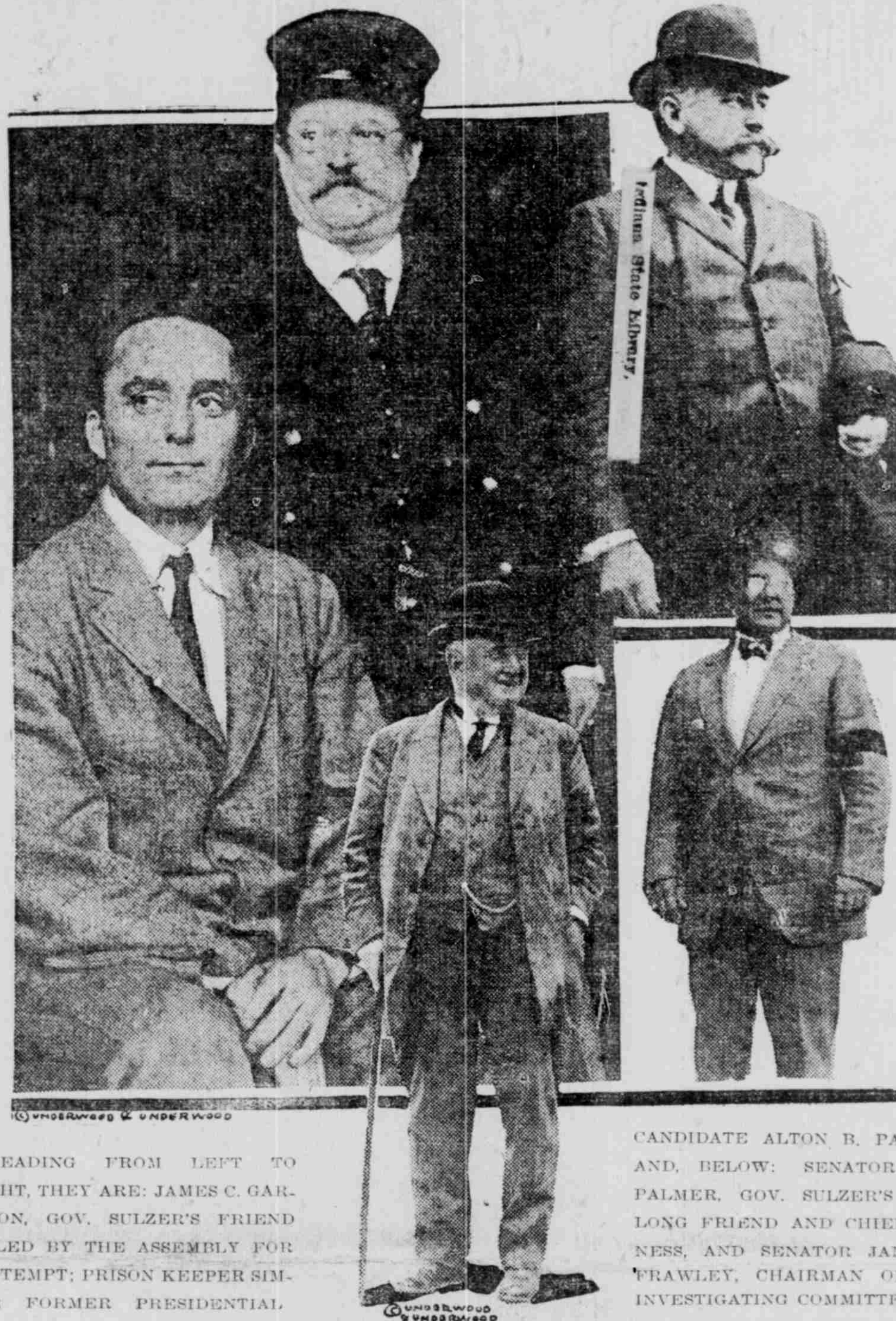
"The farmer rarely fails to dispose of his entire load before noon, and the only middleman is the peddler, who serves and all in all the market has been considered a success from its opening day."

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SNAPSHOTS AT SULZER IMPEACHMENT TRIAL



READING FROM LEFT TO RIGHT, THEY ARE: JAMES C. GARRISON, GOV. SULZER'S FRIEND JAILED BY THE ASSEMBLY FOR CONTEMPT; PRISON KEEPER SIMMONS; FORMER PRESIDENTIAL

CANDIDATE ALTON B. PARKER, AND, BELOW: SENATOR A. J. PALMER, GOV. SULZER'S LIFE-LONG FRIEND AND CHIEF WITNESS, AND SENATOR JAMES B. FRAWLEY, CHAIRMAN OF THE INVESTIGATING COMMITTEE.

KILLED HIS FATHER: SENTENCE SUSPENDED

Erba Price Pleads Guilty to a Charge of Involuntary Manslaughter at Rushville.

RUSHVILLE, Ind., Sept. 23.—Erba Price, charged with involuntary manslaughter in connection with the death of his father, William, was given a suspended sentence by Judge Megee in the circuit court here. Erba pleaded guilty to the charge and was sentenced to serve two to 20 years in prison and then was granted clemency by the court.

Erba Price, who lives in Pott Wayne, quarreled with his father while here on a visit. In a tussle he struck his father and the elder Price died almost instantly.

Price's trial was set for Oct. 5, but his counsel deciding to enter a plea of guilty, he was allowed to appear.

SUFFRAGETS BURN HOME INTENDED FOR IMBECILES

LIVERPOOL, Sept. 23.—Nearly a half million dollars damage was done Tuesday at Seaford by militant suffragets who applied the torch to Seaford house, formerly a Roman Catholic convent, which was recently acquired for a home for imbeciles.

A delegation of women from the local branch of the militants slipped into Seaford about dawn, and escaped unseen after setting fire to the building. Parts of it had been saturated with oil and grease so that by the time the firemen arrived on the scene there was no chance of stemming the flames.

Seaford house was to be used for experiments in the cure of lunacy. Scattered about the grounds was suffrage literature giving definite evidence as to the authors of the outrage.

LAWYER WHO CRITICISED JUDGES IS TO PRACTICE

COLUMBUS, O., Sept. 23.—The supreme court Tuesday restored the right to practice law in Ohio to Charles A. Thatcher, an attorney of Toledo who was disbarred four years ago for criticizing Lucas county judges and supreme court judges.

The legislature in 1911 by an act restored Thatcher to practice but the supreme court held the act unconstitutional. Thatcher was defeated for supreme judge last year.

MAN IS KNOCKED DOWN BY AUTO IN WEST END

Joseph Lizzl, 1610 Florence av., was struck and thrown to the pavement by an auto driven by Clare Hopper, 1432 Linden av., Monday night as he was crossing the street in the 1600 block on W. Washington st., sustaining severe injuries to his hands and head. The auto was owned by John Batte, 1506 Catalpa av. An ambulance carried the injured man to his residence and medical assistance was called. His condition is not thought serious.

DEMOCRATS NOW IN NEW HEADQUARTERS

First Meeting in Room in Leer Building on W. Colfax av. Held Monday Night, is Well Attended.

In a rousing meeting attended by more than a hundred loyal party workers the democrats on Monday evening officially christened their new headquarters on the first floor of the Leer building, recently erected on W. Colfax av. The new apartments have been well fitted out with necessary furniture, and leaders of the party are planning to make it the scene of some lively campaigning between now and election day.

The business of the meeting Tuesday evening was to discuss plans for the campaign with a view toward establishing a systematic basis of operation in the several districts. Chairman George Zink explained the registration law, announced registration places, and the inspectors and clerks, and gave out much information of value to voters. No definite arrangements for future meetings were announced, but plans are being made to hold several gatherings in many parts of the city in the near future.

A meeting was held by the progressives in the Jones furniture store on N. Main st. and a large number of voters were present. Every precinct in the city was represented and plans were made for the opening of the campaign.

STOCKINGER BIDS FOR SEWER ARE REJECTED

Mayor John A. Herzog was instructed at a meeting of the board of public works Monday morning to sign a lease from the Lake Shore railroad company for a tract of land 40 by 50 feet along the E. and W. tracks to be used by the city electric department for the storage of poles.

City Engineer Haverly reported the completion of the S. Wells st. sewer.

A hearing on the E. Third st. sewer assessment roll was held and as no remonstrators were present the roll was confirmed.

Bids for the local Twelfth st. sewer were received from G. Frank Stockinger.

The bid was rejected by the board on account of the bid being higher than the estimate of the city engineer and was the only bid received. Mr. Stockinger has bid twice and has been the only bidder. The contractor says on account of the depth of the sewer and the likeness to encounter water the work is a hazardous undertaking. The clerk was ordered to re-advertise for bids.

BENTON HARBOR.—That he is being persecuted because of his humble part in the socialist propaganda was the novel defense set up in a answer of Frank V. Eastman to his wife's suit for divorce. Eastman's complaint rails against the economic system of the country as the cause of his woes.

SMALL FARMER MAN TO AVERT A MEAT FAMINE

Many Suggestions to Increase the Supply of Cattle Are Offered at Meeting of Packers in Chicago.

TURN NEW ENGLAND INTO STOCK SECTION

Bountiful Springs and Prevailing Shade Would Make an Ideal Spot—Shortage Intensified During This Year.

CHICAGO, Sept. 23.—The responsibility of averting a future meat famine, was put up to small farmers by speakers at the eighth annual convention of the American Meat Packers' convention Monday. All the speakers agreed that if the decrease in meat production of the last ten years is not stopped, the question of the meat supply for the people of the United States will be most serious.

Among the remedies suggested by the convention were the following: Every small farmer should raise at least two beef steers a year to offset the decreased production of the great ranches of the west.

The remaining ranges should be cut up in farms to put all farmers on an equal footing.

Development of the hills of New England with their bountiful springs and prevailing shade as beef producing country.

Substitution of corn for cotton in the southern states and the consequent development of the cattle and hog production.

The report of the executive committee sounded the first note of the danger of a famine.

Cattle are scarce. "The American meat packing house situation and that of consumers of meat food products in this country are both in a condition more precarious than at any other time in our history," the report stated. "We are facing conditions in the production of meat food producer which would have been thought impossible ten years ago. The shortage of live stock, which has been impressed upon us as a shocking house production for several years, has been intensified during the last year. Our population is growing at its normal rate. We have passed the point where demand has overtaken production and we are now on a new which shows that demand exceeds the supply of meat products to such an extent that we have abnormally high prices for meat food products."

"The farmers are not furnishing nearly a sufficient number of animals to keep the packing houses in operation on anything like full time and this results in heavy losses, owing to lack of volume of business. And there seems to be no prospect of relief."

"Despite the high prices for live stock of all kinds, statistics show that the farmers not only are not increasing their production of meat food animals but such production is decreasing at an appalling rate."

Among other causes for the shortage of meat, the report pointed out, were the loss of one hand and another through preventable diseases and "the unthinking slaughter of calves and especially heifer calves."

Challenge Government. The committee appointed to confer with government officials regarding pure food laws, in its report challenged the wisdom of the federal government dictating what ingredients shall be used in meat products.

"Our principal difficulty has been that those in power know practically nothing of the actual conditions of packing house operation. We have been in the hands of capable well-meaning men, one hand and another, who have accepted the political office-holders on the other."

The report declared that the action of the government in changing the character of labels on canned goods after the loss of one hand and another, cost the packing industry \$250,000 annually.

Speakers at the national convention of butler and eggs men urged the need of national legislation to regulate the storage of these products in order to avoid repeated charges of price raising and monopoly.

"This conference should advocate national legislation on the subject of storage," said J. L. Homigan of New York in an address. "If every state has its own laws with regard to the length of time we may keep eggs and produce, we will soon have a condition like those caused by the present dislocation laws."

PETERSBURG.—James Ennis, a farmer, had a tooth pulled a week ago, then, returning set in and Ennis died last night.

THOUSAND PUPILS DRAW SUSPENSIONS

SYRACUSE, N. Y., Sept. 23.—One thousand pupils in three Syracuse high schools were indefinitely suspended late Monday following a strike Monday morning as a protest against new hours of study—9 o'clock morning to 2:30 in the afternoon.

The striking pupils, many of whom were girls, escaped through windows and side doors, paraded the business streets and held indignation meetings. At Technical high school, one boy attempted to address a crowd of strikers from the top of a barrel but was pulled down by the police. The pupils demanded their return to the old hours, from 8:30 a. m. to 12:30 p. m.

Just one
day to
Register
This year
it's
Oct. 6